

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:06CR3020
)	
v.)	
)	MEMORANDUM
RAMI NASRI TASHMAN,)	AND ORDER
)	
Defendant.)	

The defendant is serving a very long prison sentence (360 months plus 60 months (consecutive)) for conspiracy to distribute methamphetamine and using or carrying a firearm during a drug trafficking offense. (E.g., filing [68](#).) The defendant has filed a motion seeking to be transferred to “the Hashemite Kingdom of Jordan¹ pursuant to [18 U.S.C. §§ 4100\(b\), 4102\(3\)](#).” (Filing [77](#).) He also seeks the appointment of counsel to assist him in that endeavor. Before I do anything more with this motion, I need the help of counsel for government.

It does appear that under certain circumstances an alien serving a prison sentence in this country may be entitled to a transfer to his or her country of origin to serve out that sentence if such transfer is provided for in a treaty between the United States and the receiving country and certain other requirements are met. *See, e.g., 18 U.S.C. § 4100(a)&(b)* (providing that when “a treaty providing for such a transfer is in force,” an “offender may be transferred from the United States . . . to a country of which the offender is a citizen or national.” *See also 28 C.F.R. § 527.40 (West 2009)* (a delegation by the Attorney General to the Director of the Bureau of Prisons regarding the authority “to transfer to and from the United States, offenders in compliance with the conditions of the treaty.”) However, before I pursue this

¹The “Hashemite Kingdom of Jordan” appears to be the formal name of the country commonly known as Jordan. *See Embassy of the Hashemite Kingdom of Jordan*, <http://www.jordanembassyus.org/new/index.shtml#> (last accessed February 2, 2009).

matter any further, I would like the advice of counsel for the United States on the following questions:

- (1) What, if any, right does the defendant have to be transferred to Jordan for service of his criminal sentence?
- (2) Does this court have the power to order such a transfer?
- (3) If the court has the power to order such a transfer, what factors should the court consider?

IT IS ORDERED that:

1. By the close of business on March 2, 2009, counsel for the government shall prepare and submit a brief addressing the questions presented in the body of the memorandum and any other issues that counsel believes should be addressed.
2. The Clerk shall provide counsel for the government and the defendant with a copy of this memorandum and order.
3. The defendant's motion (filing [77](#)) is held in abeyance until further order of the court.
4. My chambers shall call this matter to my attention on March 3, 2009.

DATED this 2nd day of February, 2009.

BY THE COURT:
s/Richard G. Kopf
United States District Judge